

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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IN RE: NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS LIABILITY  
LITIGATION

This Document Relates to:  
All Cases

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) MDL No. 1:13-md-2419-RWZ  
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**[PROPOSED] ORDER**  
**TRANSFERRING AN ADDITIONAL PERSONAL INJURY TORT**  
**CASE TO THIS COURT PURSUANT TO 28 U.S.C. §§ 157(b)(5) and 1334**

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 [MDL Docket No. 732], the Trustee's supplemental and amended Exhibits 1 to the Motion [MDL Docket Nos. 1027 and 1119], and the memorandums in support thereof, the Court found that the Motion was proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing therefore, and for the reasons set forth in this court's memorandum of decision [MDL Docket No. 1131] dated May 15, 2014, the Court allowed the Motion.

Upon consideration of Insight Health Corp.'s request for entry of an order transferring an additional personal injury tort case pursuant to 28 U.S.C. § 157(b)(5), and in order to further effectuate its memorandum of decision dated May 15, 2014, this Court finds good cause for Insight's request and hereby grants Insight's request.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the case *Patricia A. Mitchell v. Insight Health Corp., et al.*, Case No. 7:14-cv-00278-MFU under consideration by the Judicial Panel on Multidistrict Litigation is transferred to this court from the U.S. District Court for the Western District of Virginia in which it is currently pending; and it is further

2. ORDERED that a Notice of Transfer, pursuant to 28 U.S.C. § 157(b)(5), in the form of Exhibit A hereto, and a copy of this Order, shall be filed in the U.S. District Court for the Western District of Virginia and provided to all parties-in-interest, including the Judicial Panel on Multidistrict Litigation; and it is further

3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the U.S. District Court for the Western District of Virginia, Roanoke Division, shall thereafter promptly transfer the case file to the clerk of the District Court for the District of Massachusetts; and it is further

4. ORDERED that plaintiff, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of this case pursuant to this Order; and it is further

5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to any of the cases under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this Court or the bankruptcy court; and it is further

6. ORDERED that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any case or to render null and void the post-petition filing of any case.

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DATE

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RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE VIRGINIA**

**PATRICIA A. MITCHELL,**

**Plaintiff,**

**v.**

**INSIGHT HEALTH CORP., et al.,**

**Defendants,**

**Civil Action No. 7:14-cv-00278-MFU**

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**INSIGHT HEALTH CORP.,**

**Third-Party Plaintiff,**

**v.**

**AMERIDOSE LLC, et al.,**

**Third-Party Defendants.**

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**NOTICE OF TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)**

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on [DATE] by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Western District of Virginia to the clerk of the District of Massachusetts.

A copy of the Order is attached as Exhibit A.

Dated: [DATE OF TRANSFER]  
[LOCATION]

Respectfully submitted,

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[TRANSFERRING COUNSEL]  
Attorneys for [TRANSFERRING DEFENDANT]